

RESOLUTION NO. 03-457

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING OF **LATERAL 85, MAIN 22, WAR INDUSTRIES SEWER, (NORTH OF 29TH STREET NORTH, WEST OF WEBB) 468-83695**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **LATERAL 85, MAIN 22, WAR INDUSTRIES SEWER, (NORTH OF 29TH STREET NORTH, WEST OF WEBB) 468-83695**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 85, Main 22, War Industries Sewer, (north of 29th Street North, west of Webb) 468-83695**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Sixteen Thousand Dollars (\$16,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2003**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

MEDITERRANEAN PLAZA ADDITION

TRACT NO. 1

A tract of land lying in a portion of Lot 9, Block 1, Mediterranean Plaza, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

Commencing at the Southern most corner of said Lot 9, thence along the Southerly line of said Lot 9 on a Kansas South Grid Bearing of N45°58'30"W, 42.00 feet to the POINT OF BEGINNING thence continuing along said Southerly line N45°58'30"W, 353.23 feet; thence N44°01'30"E, 185 feet; thence S03°38'55"E, 75.00 feet; thence S22°13'25"W, 50.00 feet; thence S07°46'09"W, 62.00 feet; thence parallel with said Southerly line S45°58'30"E, 115.00 feet; thence parallel with the East most line of said Lot 9, S44°01'30"W, 35.00 feet to the POINT OF BEGINNING.

TRACT NO. 2

A tract of land lying in a portion of Lot 9, Block 1, Mediterranean Plaza, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9, thence along the West line of said Lot 9, on a Kansas South Zone Grid Bearing of N01°01'19"W, 219.86 feet; thence N88°58'41"E, 70.00 feet; thence S27°51'02"E, 83.58 feet; thence S48°11'45"E, 158.06 feet; thence parallel with the East most line of said Lot 9, S44°01'30"W, 185.00 feet to a point on the Southerly line of said Lot 9; thence along said Southerly line N45°58'30"W, 131.24 feet to the POINT OF BEGINNING.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Tract No. 1 and Tract No. 2; within Mediterranean Plaza Addition shall each pay 1/2 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, September 9, 2003.

CARLOS MAYANS, MAYOR

ATTEST:

PAT GRAVES, CITY CLERK

(SEAL)